

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
)	Chapter 11
INACOM CORP., <u>et al.</u> ,)	
)	Case No. 00-2426 (PJW)
<u>Debtors.</u>)	
)	
INACOM CORP., on behalf of affiliated)	
Debtors,)	Civil Action No. 04-582-GMS
)	Adv. No. 02-3499
Plaintiff,)	
)	
v.)	
)	
DELL COMPUTER CORPORATION, <u>et al.</u> ,)	
)	
<u>Defendants.</u>)	

PLAINTIFF'S SUPPLEMENT TO TAB 1 OF THE FINAL JOINT PRETRIAL ORDER

Plaintiff, InaCom Corporation and affiliates, through the Plan Administrator, Executive Sounding Board Associates, Inc. files this supplement to be included as Tab 1 of the Final Joint Pretrial Order filed on August 15, 2005 (the "PTO"). The supplement to Tab 1 of the PTO is attached hereto as Exhibit A.

Date: August 29, 2005



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EXHIBIT “A”

TAB 1

PLAINTIFF'S EXHIBITS

In re InaCom Corp. / InaCom Corp. v. Dell Computer Corp.
(Bankr. No. 00-2426 / Adv. No. 04-cv-582)

Plaintiff's Trial Exhibits

The following exhibits were offered by Plaintiff and marked for identification. Defendant objected to their receipt in evidence on the grounds stated.:

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
1		Intentionally omitted					
2	04/19/2005	Report prepared by Dean R. Vomero of Bridge Associates LLC- InaCom Corp. and Affiliated Entities Insolvency/Valuation Analysis as of March 25, 2000		Vomero 2	Hearsay, R. 802; Unreliable principles/methods and principle/methods unreliably applied, R. 702	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Admissible under R. 702 and R. 703.	
3	05/27/2005	Rebuttal Report prepared by Dean R. Vomero of Bridge Associates LLC - Response to Duff & Phelps LLC/Sasco Hill Advisors, Inc. InaCom Corp., Valuation Analysis		Vomero 3	Hearsay, R. 802; Unreliable principles/methods and principle/methods unreliably applied, R. 702	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Admissible under R. 702 and R. 703	
4	04/27/2000	InaCom Bank Presentation	DE 004400 - DE 004414	Gagliardi 7 Vomero 17			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
5	05/01/2000	Blackstone Confidential Information Memorandum	DE 012457 – DE 012583; BSG 0332 – BSG 0386		Hearsay, R. 802; Not relevant, R. 402; Unfairly prejudicial, R. 403	Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and R. 807. Relevant under R. 401 and 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
6	05/02/2005	Expert Report prepared by Francis X. Devine of Murray Devine Co.		Devine 1	Hearsay, R. 802	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Admissible under R. 702 and R. 703.	
7	04/29/2005	Expert Report prepared by Stuart A. Gollin of Weiser LLP		Gollin 1 LaRocca 4	Hearsay, R. 802. Unreliable principles/methods and principle/methods unreliably applied, R. 702	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Admissible under R. 702 and R. 703.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
8		Liquidation Analysis from Disclosure Statement			Hearsay, R. 802. Unfairly prejudicial, R. 403	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403. The Court may take judicial notice, R. 201. <i>See In re Peregrine Systems, Inc.</i> , 311 B.R. 679, 692 (D. Del. 2004).	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
9		Updated liquidation analysis from Gilmour			<p>This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections</p>	<p>Dell does not state an objection to admissibility. No response necessary. Plaintiff reserves the right to respond to any objections raised by Dell.</p>	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
10		Demonstrative – make-up of outstanding unsecured creditors			<p>This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections</p>	<p>Dell does not state an objection to admissibility. No response necessary. This is a demonstrative document that was not required to be produced in discovery. Admissible under R. 1006.</p>	
11		Intentionally omitted					

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
12		Bridge demonstrative charts/graphs			Not previously disclosed in expert witness disclosures. This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	Dell does not state an objection to admissibility. No response necessary. This is a demonstrative document that was not required to be produced in discovery. Admissible under R. 1006.	
13		Package of InaCom Corp. Board of Directors Meeting Minutes from 02/28/2000 to 07/25/2000	ICN 19504 – ICN 19590	Oshlo 16 Vomero 19	As to minutes after 4/22/00: Not relevant, R. 402	Relevant under R. 401 and 402.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
14	05/24/2000	Email from A. Karsnia to B. Wells, et al.	CPQ/BG 2545 - CPQ/BG 2547		Not relevant, R. 402. Hearsay, R. 802	Relevant under R. 702 and R. 703. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807.	
15	01/04/2000	Asset Purchase Agreement among Compaq Computer Corp., ITY Corp. and InaCom Corp.	00674 - 00815	Fitzpatrick 20			
16		Schedules to APA			Document is not sufficiently described to allow Dell to identify. Therefore, Dell has had no opportunity to review the document and assert appropriate objections	Dell does not state an objection to admissibility. No response necessary.	
17	03/15/2000	Accounts Payable Schedule as of 02/12/2000 and attached AP register			Document is not sufficiently described to allow Dell to identify. Therefore, Dell has had no opportunity to review the document and assert appropriate objections	Dell does not state an objection to admissibility. No response necessary. Document has been previously produced to Dell.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
18	02/15/2000	Compaq Computer Corp. Revolving Credit Facility Commitment Letter to InaCom Corp.	01067 - 01110	Fitzpatrick 18 Wells 10			
19		Intentionally omitted					
20	02/16/2000	Services, Supply and Sales Agreement among Compaq Computer Corp., ITY Corp. and InaCom Corp.	CA 1 - CA 18; 00817 - 00834	Dugan 5 Kerkman 1 Samuelson 9 Wells 8			
21	02/16/2000	Separation and Sharing Agreement between ITY Corp. and InaCom Corp.	00873 - 00943	Dugan 6 Oshlo 18 Samuelson 10			
22	02/16/2000	InaCom Services Service Level Agreement with Compaq Computer Corp.	00836 - 00871	Fitzpatrick 17 Vomero 28			
23	02/16/2000	Intercreditor Agreement among Deutsche Bank AG New York, Compaq Computer Corp. and IBM Credit Corporation	Wells 1 - Wells 34	Oshlo 17			
24a	01/04/2000	Third Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	00953 - 00974	Fitzpatrick 14 Oshlo 2 Samuelson 1 Vomero 22 Wood 2			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
24b	02/15/2000	Fourth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	00976 – 00993	Fitzpatrick 15 Gagliardi 10 Oshlo 5 Samuelson 2 Wood 3			
24c	03/31/2000	Fifth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	DE 001601 – DE 001611	Oshlo 19			
24d	04/14/2000	Sixth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	DE 010820 – DE 010833	Oshlo 20			
25	03/24/2000	Memo from R. Oshlo to T. Fitzpatrick re: Accessing Compaq Revolving Credit Facility	ICN 14296 – ICN 14297; 014001 – 014002	Oshlo 15			
26	04/04/2000	Memo from R. Oshlo to T. Fitzpatrick re: status of held checks and revolver	InaCom 003257; 014135	Oshlo 14			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
27	04/27/2000	Letter from C. Anderson and B. Wavro to T. Fitzpatrick re: collections on receivables owned by Compaq	DE 000541	Gagliardi 4 Wood 18			
28	04/28/2000	Notice of Borrowing from InaCom to Deutsche Bank	DE 000702 – DE 000703	Oshlo 21 Vomero 30			
29	05/10/2000	Treasury Released Checks by Date	FTI 000752 – FTI 000755	Dugan 9 Horton 6 Oshlo 10			
30	05/16/2000	Letter from B. Wavro to T. Fitzpatrick waiving a portion of the Revolving Credit Facility Commitment Letter	CPQ/BG 0001065	Gagliardi 5			
31	05/26/2000	Letter from R. Wood and M. Cheever to C. Anderson re: continuing investigation of the misdirected funds	DE 002845 – DE 002846	Wood 23			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
32	03/24/2003	Disclosure Statement and Plan of Liquidation			Not Relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403. The Court may take judicial notice, R. 201. <i>See In re Peregrine Systems, Inc.</i> , 311 B.R. 679, 692 (D. Del. 2004).	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
33	11/12/2004	Defendant Dell Computer Corporation's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories and Requests for Production		Horton 2 Keller 6 LaRocca 3	Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
34	12/07/2004	Defendant Dell Computer Corporation's Objections and Responses to Plaintiff's Second Set of Interrogatories to Defendant		Keller 7	Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
35	05/03/2005	Defendant Dell Computer Corporation's Supplemental Responses to Plaintiff's First Set of Interrogatories			Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
36	06/17/2005	Defendant Dell Computer Corporation's Second Supplemental Responses to Plaintiff's First Set of Interrogatories			Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
37 - 46		Intentionally omitted					
47	03/14/2000	Email from Gagliardi to Winkler complaining about no incremental service revenue	CPQ/INA 16141 - CPQ/INA 16142		Hearsay, R. 802; Dell also objects because the document appears redacted and altered from its original form, therefore, Dell objects pursuant to R. 1002 and R. 1003	Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807. Admissible under R. 1003.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
48	10/20/2000	Complaint – Custom Edge v. InaCom, et al. (Adv. Case # 00-1684)					
49	04/18/2000	Email from Hansen to Oshlo et al. re: split of AR receipts	ICM 036584 – ICM 036585				
50	05/17/2000	InaCom Press Release	CPQ/BG 0002983		Not Relevant, R. 402. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
51	05/17/2000	Moody's Press Release	CPQ/BG 0002980 – CPQ/BG 0002982		Not relevant, R. 402. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
52	05/09/2000	Facsimile from Wood to Gagliardi	DE 10496 – DE 10499		Not Relevant, R. 402. Hearsay, R. 802	Not Hearsay and/or subject to exceptions under, R. 803, including R. 803(6), and 807. Relevant under R. 401 and R. 402.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
53		Demonstrative – supporting Fitzpatrick narrative			This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	Dell does not state an objection to admissibility. No response necessary. This is a demonstrative document that was not required to be produced in discovery. Admissible under R. 1006.	
54		Intentionally omitted					
55	02/16/2000	First Amendment to Asset Purchase Agreement	IN 00013 – IN 00015				
56	03/15/2000	InaCom Asset Purchase Schedules Summary as of 02/12/2000					

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
57	06/2000	Asset Purchase Agreement (unexecuted) dated as of June ___, 2000 by and between Compucom and Marlin			Document was not provided to Dell until August 9, 2005, months after the close of discovery in March 2005 and after fact discovery was completed. Accordingly, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c)	Dell does not state an objection to admissibility. No response necessary. Document was timely produced. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
58	06/19/2000	Affidavit of Thomas J. Fitzpatrick in Support of First Day Orders			Hearsay, R. 802	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. The Court may take judicial notice, R. 201. <i>See In re Peregrine Systems, Inc.</i> , 311 B.R. 679, 692 (D. Del. 2004).	
59		Summary Act vs. Bud	DE 002975		Rule of optional completeness, R. 106--add pages DE002976 through 02996	Plaintiff reserves the right to respond to any objections raised by Dell.	
60	03/27/2000	InaCom Press Release	DB 008602				

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
61	05/01/2000	Blackstone Project Adams Debtor in Possession Model report	BSG 0053 – BSG 0064		Relevance, R. 402; Hearsay, 802. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including, R. 803(6), and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
62	03/24/2000	A/P Weekly Balancing to A/P Aging Report	FTI 000652		Hearsay, R. 802. Dell also objects to authenticity in that it appears there is additional related information omitted; therefore, this document is not complete, R. 1002 and R. 1003	Not Hearsay and/or subject to exceptions under R. 803, including, R. 803(6), and R. 807. Admissible under R. 1003.	
63	01/01/2000	Email from J. Samuelson to C. Anderson	CPQ/BG 0001875		Not relevant, R. 402. Hearsay, R. 802	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
64	05/27/2000	Email from K. Edwards to M. Hall	CPQ/INA 0003235		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807.	
65	04/28/2000	Memo from P. Hatfield to mailing list	DE 011691		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
66	12/09/1999	Email from R. Conklin re: InaCom Update	CPQ/BG 0007108		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(1) & (6), and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
67	04/26/2000	Minutes of InaCom Board of Directors Meeting	InaCom 10126 – InaCom 10127		Not Relevant, R. 402	Relevant under R. 401 and R. 402.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
68	06/14/2000	Letter from B. Wavro to T. Fitzpatrick with attached Statement	005224 – 005231		Not Relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and R. 807. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
69	06/01/2000	Memo from T. Molchan re: Board Meeting materials	005232 – 005242		Not relevant, R. 402. Hearsay, R. 802	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and R. 807. .	
70	02/16/2000	Wiring Instructions for Compaq-InaCom Closing	005427 – 005429	Gagliardi 11 Oshlo 6			
71	05/01/2000	Blackstone Project Addams Reorganization Model	BSG 0001 – BSG 0026		Not relevant, R. 402. Unfairly prejudicial, R. 403. Hearsay, R. 802	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and 807. Probative value substantially outweighs any potential unfair prejudice. Admissible under R. 1006.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
72	04/30/2000	Blackstone Group Jan Actual – April Actual	BSG 0065 – BSG 0068		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and 807. Probative value substantially outweighs any potential unfair prejudice. Admissible under R. 1006.	
73		Blackstone Group Q2 – Q3 consolidated Summary and backup	BSG 0069 – BSG 0076		Not relevant, R. 402. Unfairly prejudicial, R. 403. Hearsay, R. 802	Relevant under R. 401 and R. 402. Not Hearsay and/or subject to exceptions under R. 803, including R. 803(6), and 807. Probative value substantially outweighs any potential unfair prejudice. Admissible under R. 1006.	
74		Examples of invoices from Dell to InaCom		Horton 3; Keller 11			
75	08/10/1994	Remarketer/Integrator Agreement between Dell Marketing and Vanstar		Horton 4 Keller 12			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
76	04/01/2005	Letter from S. Streusand to E. Forte enclosing additional document production obtained from M. Horton's records (attached)	(InaCom/Dell Received 4/1/05) 00004 - 00086	Horton 7 Thompson 1	Dell objects to letter reflecting correspondence between counsel. Not Relevant, R. 402	Relevant under R. 401 and R. 402. Dell does not state an objection to the admissibility of the attachment. No response necessary.	
77	04/18/2005	Fax from S. Streusand to E. Forte forwarding unredacted emails from M. Horton's records (attached)	(InaCom/Dell received 4/18/2005) 00001 - 00033	Horton 8	Dell objects to letter reflecting correspondence between counsel. Not Relevant, R. 402	Relevant under R. 401 and R. 402. Dell does not state an objection to the admissibility of the attachment. No response necessary.	
78	05/16/2002	Summons and Complaint against Dell		Keller 1	Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403. The Court may take judicial notice under R. 201. See <i>In re Peregrine Systems, Inc.</i> , 311 B.R. 679, 692 (D. Del. 2004).	
79	06/11/2002	Original Answer of Dell		Keller 2	Not relevant, R. 402	Relevant under R. 401 and R. 402.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
80	12/29/2004	Amended Answer of Dell		Keller 3	Not relevant, R. 402	Relevant under R. 401 and R. 402.	
81	05/23/2002	Cancelled checks to Dell		Keller 9	Cumulative of stipulation in Pre-Trial Order	Dell does not state an objection to admissibility. No response required.	
82	03/31/2000	Wire transfer records for wire to Dell parties for \$806,278.00			Cumulative of stipulation in Pre-Trial Order	Dell does not state an objection to admissibility. No response required.	
83	00/00/0000	Series of Collection Letters and Customer Care Notices from Dell		Keller 16			
84		Houlihan Lokey Howard & Zukin work papers					
85	05/26/2005	Rebuttal Expert Report prepared by Michael L. Newsom of Bridge Associates		LaRocca 5 Newsom 1 Thomas 3	Hearsay, R. 802. Unreliable principles/methods and principle/methods unreliably applied, R. 702	Not Hearsay and/or subject to exceptions under R. 803 and R. 807. Admissible under R. 702 and R. 703.	
86	05/30/2002	Lain Faulkner & Co. Engagement Letter		Thomas 1			

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
87	04/28/2005	Expert Report prepared by Stephen H. Thomas of Lain, Faulkner & Co., P.C.		LaRocca 2 Newsom 3 Thomas 2			
88	04/28/2005	Expert Report prepared by John LaRocca		Gollin 4 LaRocca 1			
89	04/05/2005	Emails re: MicroAge Reports		LaRocca 7			
90		Exhibits marked at the Deposition of Dean Vomero taken on 07/27/2005			There are multiple exhibits to Mr. Vomero's deposition. Plaintiff's general designation of these exhibits is not sufficient to allow Dell to assert specific objections to individual exhibits	Dell does not state an objection to admissibility. No response necessary. All exhibits were timely produced.	
91		Exhibits marked at the Deposition of Jason F. Fensterstock taken on 07/28/2005			There are multiple exhibits to Mr. Fensterstock's deposition. Plaintiff's general designation of these exhibits is not sufficient to allow Dell to assert specific objections to individual exhibits	Dell does not state an objection to admissibility. No response necessary. All exhibits were timely produced.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
92	07/06/2005	Dell Privilege Log			Not relevant, R. 402. Unfairly prejudicial, R. 403. Moreover, the privilege log identified is not most current. In addition, Dell objects because constitutes inadmissible comment on the claim of privilege	Relevant under R. 401 and R. 402. Probative value substantially outweighs any potential unfair prejudice, R. 403.	
93	05/23/2003	Bankruptcy Court's Order Confirming Debtors' Liquidating Plan			Not relevant, R. 402	Relevant under R. 401 and R. 402.	
94		All exhibits identified by the Debtors in the separate adversary proceedings against Lexmark International, Inc. (Adversary No. 02-3500), Ingram Entertainment Corp. (Adversary No. 02-3960) and Tech Data Corp. (Adversary No. 02-3496) relevant to the issue of insolvency and any other issue relevant to this adversary proceeding			Documents are insufficiently identified for Dell to make an objection, except relevance as to Dell, R. 402, which Dell conditionally asserts. In addition, such exhibits have not been provided to Dell. Therefore, Dell is unable to prepare specific objections to individual documents	Relevant under R. 401 and R. 402. Plaintiff reserves the right to respond to any objections raised by Dell.	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Plaintiff's Responses	Adm.
95		Exhibits that may consist of documents produced or identified later in connection with this adversary proceeding before trial			Documents are insufficiently identified for Dell to make an objection, except relevance as to Dell, R. 402, which Dell conditionally asserts. Additionally, fact discovery closed on March 31, 2005. To the extent documents are identified that were not disclosed in discovery, Dell objects to the admission of such documents. <i>See</i> Fed. R. Civ. P. 37(c). Dell also objects to the admission of documents not set forth on Plaintiff's Exhibit List, and Dell objects to the admission of documents not timely identified	Relevant under R. 401 and R. 402. Plaintiff reserves the right to respond to any objections raised by Dell.	

CERTIFICATE OF SERVICE

I, *Elio Battista, Jr.*, do hereby certify that I am not less than 18 years of age, and that on August 29, 2005, I caused service of the attached *Plaintiff's Supplement to Tab 1 of the Final Joint Pretrial Order* to be made on the parties listed below in the manner indicated.

Under penalty of perjury, I declare that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Elio Battista, Jr.', written over a horizontal line.

Elio Battista, Jr.

BY HAND DELIVERY

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